

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANCISCO ESCAMILLA,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 3:25-cv-00341-MMD-CSD

ORDER

On July 10, 2025, pro se plaintiff Francisco Escamilla, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). But the complaint is not signed personally by Plaintiff. (See ECF No. 1-1 at 5). The Court will grant Plaintiff an extension of time to submit a signed amended complaint to the Court.

I. DISCUSSION

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. L.R. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

The Court cannot consider the original complaint because Plaintiff did not personally sign it. If Plaintiff wants to proceed with this action, Plaintiff must file an amended complaint that is signed personally by the Plaintiff. Plaintiff is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this action. The

1 submission of a mere signature page will not be enough. Moreover, Plaintiff should file
2 the amended complaint on this Court's approved civil-rights form, and it must be titled
3 "First Amended Complaint."

4 **II. CONCLUSION**

5 It is therefore ordered that Plaintiff has **until August 22, 2025**, to submit a signed
6 amended complaint to this Court.

7 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
8 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
9 to refile the case with the Court, under a new case number, when Plaintiff can file a signed
10 complaint.

11 The Clerk of the Court is directed to send Plaintiff: (a) the approved form for filing
12 a 42 U.S.C. § 1983 complaint with instructions, and (b) a copy of his original complaint
13 (ECF No. 1-1).

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15 DATED: July 17, 2025.

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19 UNITED STATES MAGISTRATE JUDGE
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